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U.S. SUPREME COURT DECISION
“A VICTORY FOR THE EVERGLADES”
Decision impacts water managers across the country

In a victory for the Everglades restoration process, the United States Supreme Court today ruled in favor of the South Florida Water Management District (SFWMD) in overturning the lower court's decision that would have forced water managers across the country to change their operational procedures.

The U.S. Supreme Court vacated the 11th Circuit Court of Appeals decision and is sending the case back to the lower court, where it will be heard by the end of the year. An adverse ruling would not only have added barriers to environmental protection of the Everglades, but would have substantially increased the regulatory burden and cost for public water management agencies across the country.

“This is a great victory for Everglades restoration,” said SFWMD Governing Board Chair Nicolás Gutiérrez of Miami. “When the 11th Circuit Court of Appeals issued their opinion, they did so without the proper considerations and I am thrilled that the Supreme Court recognized their error.”

The U.S. Supreme Court ruled that the 11th Circuit Court of Appeals had acted “prematurely” in deciding that the SFWMD needed a permit to merely move water from the C-11 canal in Broward County via pump station S-9 into Water Conservation Area 3. The U.S. Supreme Court said today that the lower court had failed to properly consider two key issues that have a bearing on whether a permit was necessary.

Specifically, the U. S. Supreme Court directed the lower court to consider the SFWMD argument that the waters east and west of the S-9 pumping station are indeed the same body of water and that moving water from one navigable body of water to another does not require a federal permit. The District's position on this issue is supported by the U.S. government.

The case -- *South Florida Water Management District vs. Miccosukee Tribe of Indians* -- focuses on the permitting of a single pumping station (S-9) within the Everglades in western Broward County. The Miccosukee Tribe asserts that, under the federal Clean Water Act, SFWMD should be required to obtain a federal National Pollutant Discharge Elimination System (NPDES) permit in order to transfer water from

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the C-11 canal to Everglades Water Conservation Area 3A. The S-9 pumping station is permitted by the state and is required to meet state water quality standards.

Forty-nine national and regional groups support the SFWMD's position, including the City of New York; the National League of Cities; the Florida Commissioner of Agriculture; the Metropolitan Water District of Southern California; and the American Farm Bureau.

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The South Florida Water Management District is a regional, governmental agency that oversees the water resources in the southern half of the state – 16 counties from Orlando to the Keys. It is the oldest and largest of the state's five water management districts. The agency mission is to manage and protect water resources of the region by balancing and improving water quality, flood control, natural systems and water supply. A key initiative is cleanup and restoration of the Everglades.